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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,768	03/15/2001	Dale Franklin Gray	DGD-001.01	4980

25181 7590 07/17/2006

FOLEY HOAG, LLP  
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BOSTON, MA 02110

EXAMINER
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HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3693

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/809,768	<b>Applicant(s)</b> GRAY, DALE FRANKLIN	
	<b>Examiner</b> Lalita M. Hamilton	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06182001</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 25, 2006. The Applicant stated that they expressly reserve the right to prosecute the unelected claims in a divisional application.

### ***Claim Objections***

Claim 6 is objected to because of the following informalities: "selecting alternative an asset value" should be "selective an alternative asset value". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 are rejected for the following reasons:

In claim 4, "interlinked aggregate derivative asset exchange option" lacks antecedent basis.

In claim 5, "net government fiscal revenue values" and "interlinked aggregate derivative exchange option" lack antecedent basis.

In claim 6, "interlinked aggregate delivery monetary authorities asset exchange option" lacks antecedent basis.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandretto (5,812,988).

Sandretto discloses a method for measuring risk of a plurality of assets comprising storing financial data, including assets and debt, on one or more preselected economic entities in an economy (col.8, lines 50-60); storing data on at least one of: macroeconomic parameters, time horizon, or macro financial risk parameters (col.8, lines 60 to col.9, line 20, 40-55); calculating a value of interlinked aggregate derivatives for at least one of said preselected economic entities to generate a characterization of an economic value associated with at least one of an implicit economic right, to exchange a portion of said assets or portion of said debt, or an implicit economic obligation, to exchange a portion of said assets or portion of said debt, in a specific time period and generating an output representing said economic value (col.17, line 43 to col.18, line 65); using one or more computer memories, and wherein the steps of calculating and generating are performed by one or more processors operatively associated with the one or more computer memories (col.15, lines 23-52 and col.34, lines 5-30); preselected economic entities include one or more of: individuals, firm, group of firms, financial institution, group of financial institutions, governments,

monetary authorities, or international financial institutions and said inputs on macroeconomic parameters and macro financial risk parameters are variable (col.34, lines 5-30); selecting an alternative asset value and probability distribution of said alternative asset value and executing calculation of the interlinked aggregate derivative asset exchange option thus determining the value of said exchange of asset value for said alternative asset value (col.34, line 5 to col.37, line 6); selecting alternative asset values and probability distribution of said net government fiscal revenue values, and executing calculation of the interlinked aggregate derivative fiscal exchange option thus determining the value of exchanging said expected net government fiscal revenue values for said alternative said net government fiscal revenue values (col.34, line 5 to col.37, line 6); selecting alternative an asset value and probability distribution of said alternative asset value of said monetary authorities and executing calculation of the interlinked aggregate derivative monetary authorities asset exchange option thus determining the value of exchanging said assets of said monetary authorities for said alternative asset value of said monetary authorities (col.34, line 5 to col.37, line 6); calculating a portion of debt payable before time  $t$  that is exchanged for and debt payable after time  $t$  for said preselected economic entities and calculating at least one interlinked aggregate derivative near term debt exchange option based on the debt payable values and the designated portion (col.34, line 5 to col.37, line 6); calculating a share of debt payable in the near term before time  $t$  that is exchanged for a long term debt payable after time  $t$  for said government and calculating at least one interlinked aggregate derivative near term debt exchange option thus determining the value of said

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exchange of near term debt for said long term debt for said government (col.34, line 5 to col.37, line 6); calculating at least one interlinked aggregate derivative put option thus determining the economic value of the implicit economic right of exchanging a portion of assets of a firm or a group of firms, for a portion of debt obligations, to said firm of said group of firms and implicit economic cost of said interlinked aggregate derivative put option to the holder of debt of said firm or said group of firms (col.34, line 5 to col.37, line 6); calculating a portion of debt or deposits that will become the obligation of said governments or said monetary authorities, calculating a share of assets transferred to holders of debt in the event that said debt or said deposits is not or cannot be paid by said financial institutions or said groups of financial institutions, and calculating at least one interlinked aggregate derivative financial sector put option thus determining the economic value of the implicit economic right of transferring a portion of assets of the financial institution or the group of financial institutions to the governments or the monetary authorities in exchange for cancellation of the obligation to pay a portion of said debt or said deposits (col.34, line 5 to col.37, line 6); calculating at least one interlinked aggregate derivative call option thus determining the economic value of retaining assets and paying debt of said firm, group of firms, financial institution, or group of financial institutions (col.34, lines 50-65); and calculating at least one implicit payment which is paid to one preselected economic entity having at least one interlinked aggregate derivative credit event payment that is the implicit obligation of and paid by another preselected economic entity and calculation of the value of the

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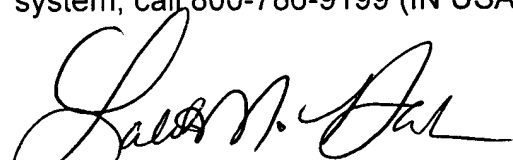
interlinked aggregate derivative credit event payment (col.34, line 5 to col.37, line 6—  
bond payments).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lalita M. Hamilton  
Primary Examiner, 3624